IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2540 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AVINASH LAXMIPRASAD BHATT

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 2540 of 2002

MR HN BRAHMBHATT for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 22/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel appearing for the Government of India waives service of Rule on behalf of the respondent. Heard Mr. Brahambhatt, learned advocate for the petitioner and Mr. Patel, learned standing counsel for the respondent. During the hearing, Mr. Brahambhatt has taken me through the petition and documents attached thereto. The

petitioner has approached this Court for seeking direction that the respondent authority be directed to correct the birth date and birth place of the petitioner, for which, the petitioner has applied to the pass port authority by relying upon the certificate of birth issued by the Medical Officer of Heath, Rajkot Municipal Corporation dated 12th November, 1984, wherein, the birth date of the petitioner is shown as 23rd February, 1950, whereas in the school leaving certificate issued by the school authority namely, S.V. Virani High School, Rajkot, the birth date of the petitioner is shown as 23rd May, 1950. It is also stated as per the birth certificate issued on 12th November, 1984, the birth place of the petitioner is shown as Impirial Bank's Quarter, Rajkot, while as per the school leaving certificate issued by the school authority, the place of the birth of the petitioner is shown as Mehsana and therefore, the petitioner has that prayed that necessary direction be given to the respondent authority to change the birth date and birth place of the petitioner in the new passport.

2. It is also the case of the petitioner that the petitioner had got passport from Mumbai, which has expired on 6th November, 2001 and accordingly, the petitioner has approached the passport authority but the passport authority has not accepted the application of the petitioner and he was informed that as per the Rules, unless and until the petitioner obtained necessary orders from the Competent Court, it will not be possible for authority to entertain the application/representation for correcting the date of birth and place of birth and accordingly, he requested that necessary direction be given to the authority.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Medical Officer of the Heath, Rajkot Municipal Corporation shows that the birth date of the petitioner is 23rd February, 1950 and place of birth of the petitioner is Rajkor as per certificate dated 12.11.1984, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date and place of birth in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date and place of birth in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be

taken for correcting the birth date and birth place of the petitioner in the pass port. Respondent authority is also directed to decide the representation of the petitioner as expeditiously as possible.

4. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)

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